13th Election District 1st Councilmanic District BEFORE THE

\* OF BALTIMORE COUNTY

DEPUTY ZONING COMMISSIONER

\* Case No. 93-167-A Ronald R. Gaspari, et ux

Petitioners \* \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the owners of the subject property, Ronald R. and Janet L. Gaspari. The Petitioners request relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 10 feet and a rear yard setback of 10 feet in lieu of the required 30 feet for an existing family room addition in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Ronald R. Gaspari. There were no Protestants at the hearing.

Testimony indicated that the subject property, known as 289 Lavern Avenue, consists of .146 acres zoned D.R. 5.5 and is improved with a two-story dwelling and an above-ground swimming pool. The Petitioners filed the instant Petition as a result of an anonymous complaint filed with the Zoning Enforcement Division of the Zoning Administration and Development Management office concerning an addition. Mr. Gaspari testified that in 1985 he constructed a family room addition at the southeast corner of the subject dwelling. Said addition was attached to the dwelling by way of a breezeway constructed with jalousie windows. Mr. Gaspari testified that he recently converted the family room addition to a bedroom for his son and daughter-in-law who were married this past August. At the

time that Mr. Gaspari constructed the family room addition in 1985, he was not aware that any variances were needed. Mr. Gaspari testified that he spoke with his neighbors on both sides of the subject property and neither had any objections to the location of the family room addition. Mr. Gaspari further testified that there are no cooking facilities in the family room addition and that he has no intention of converting this room to a second dwelling unit.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or struc-

ture which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_\_ day of January, 1993 that the Petition for Zoning Variance requesting relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 10 feet and a rear yard setback of 10 feet in lieu of the required 30 feet for an existing family room addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and the Petitioners would be required to file a new Petition.
- 2) The Petitioner shall not allow or cause the subject family room addition to be converted to a second dwelling unit and/or apartments. There shall be no kitchen or cooking facilities within the area marked "family room" on Petitioner's Exhibit 1.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

NO CON

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TMK:bjs

CENTIFICATE OF POSTING IOMNS DEPARTMENT OF BALTIMORE COUNTY

event it becomes necessary to do so as a result of a

complaint filed concerning the possible conversion of

4) When applying for any permits, the site plan

filed must reference this case and set forth and ad-

Deputy Zoning Commissioner

for Baltimore County

the family room addition to a second dwelling unit.

dress the restrictions of this Order.

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osted for: Variance	Date of Posting 12/11/92					
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CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on 12 10, 19 42

THE JEFFERSONIAN.

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\$61.02

Baltimore County Government **Zoning Commissioner** Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 11, 1993

Mr. & Mrs. Ronald R. Gaspari 289 Lavern Avenue

Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE S/S Lavern Avenue, 372' E of the c/l of Washington Avenue (289 Lavern Avenue) 13th Election District - 1st Councilmanic District Ronald R. Gaspari, et ux - Petitioners Case No. 93-167-A

Dear Mr. & Mrs. Gaspari:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

> TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

Very truly yours,

cc: Kevin Conner - ZADAM

People's Counsel

ZONING VIOLATION CASE # 93-700 Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 289 LAVERNE AVE BALL Md 21227 which is presently zoned DR 5.5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1. To permit a side yard setback of 3' in lieu of the required 10' & rear yard setback of 10' in lieu of the required 30 ! of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or I NEED the Additional Living SPACE FOR MY SOU AND his Wife. They point Have The Financial Means To Live Elsewhere AT the Present TIME. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the Contract Purchaser/Lesser RONALD R. GASPARI Ronald R. Yaspari TANET LEE GASPARI 289 LAVERN AVE 410-247-3721 BALTIMORE iame, Address and phone number of legal owner, contract purchaser or representative

THE DESCRIPTION -3 copies required

> 93-167-A Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Host property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

> > ZONING DESCRIPTION FOR 289 LAVERNE AVE

street on which property fronts)
wide at the distance of (number of feet) (north, south, east or wear, 50°

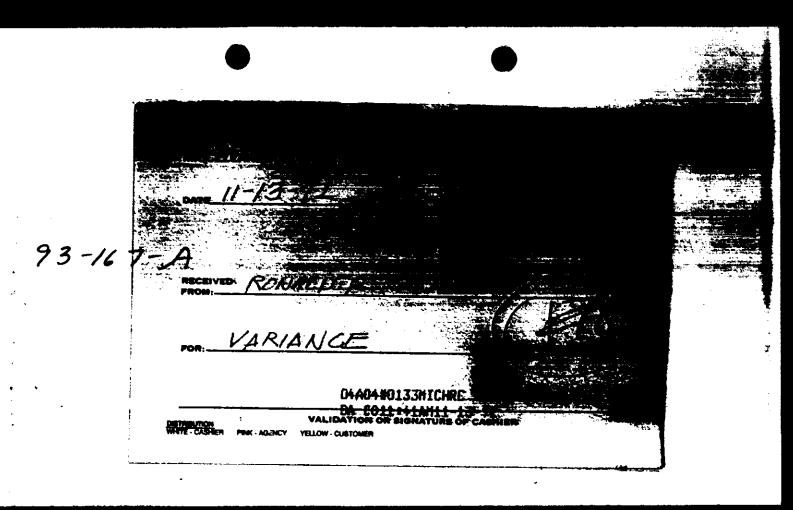
(number of feet) (north, south, east or feet) the centerline of the nearest improved intersecting street WASHIN TON ANE ) (number of feet of right-of-way width)
Block (2), Section #(\_) in the subdivision of JOSHUA recorded in Baltimore County Plat Book #(1), Polic #(1), per of total square feet or acres in lot)

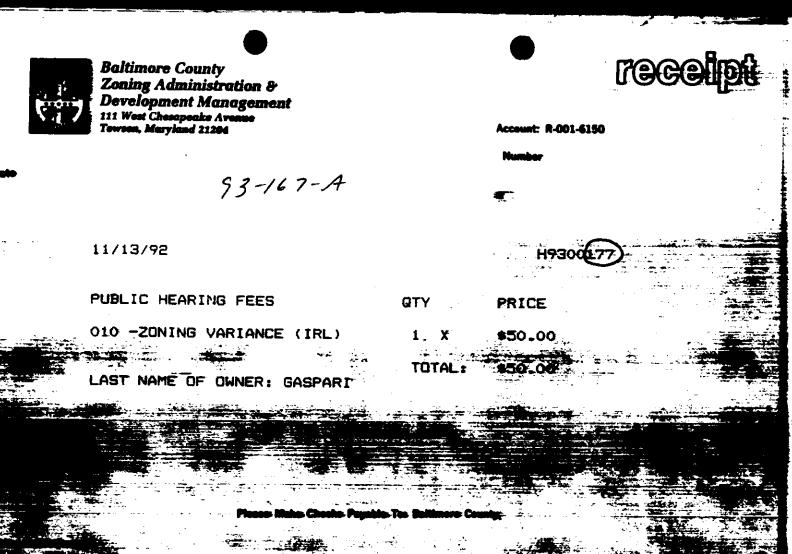
and located in the ((3) Election District.

\*If your property is not recorded by Plat Book and Polic Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber (\_\_\_), Folio (\_\_)" and include the measurements and directions (metes end bounds only) here and on the plat in the correct

Typical mates and bounds: M.87° 12' 13" E. 321.1 ft., 8.16° 27' 03" E. 87.2 ft., 8.62° 19' 00" W. 318 ft., and M.OS" 15' 22" W.SO ft. to the place of beginning.

MEVIEWED BY: FEG 11 DATE 11-13-97





M9300174 PUBLIC HEARING FEES 080 - POSTING AND ADVERTISING ..... \$61.02 LAST NAME DWNER: GASPARI 04A04#0048MICHRC BA CQ10:08AM12-21-92

**Baltimore County Government** Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

289 Lavern Avenue Baltimore, Maryland 21227

DATE: 12/14/92

CASE NUMBER: 93-167-1 (Item 177) S/S Laverne Avenue, 372' E/S Washington Avenue 289 Laverne Avenue 13th Election District - 1st Councilmanic Petitioner(s): Ronald R. Gaspari and Jamet Lee Gaspari HEARING: TUESDAY, JANUARY 5, 1992 at 2:00 p.m. in Room 118, Old Courthouse. Dear Petitioner(s):

Please be advised that \$ 61.62 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Printed on Recycled Pager

DED DEPRM RP

and Development Management

**Baltimore County Government** 

Office of Zoning Administration

MOV. 30 1992

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 Room 118, Old Courthouse, 400 Hambington Avenue, Towson, Haryland 21204 as follows:

CASE NUMBER: 93-167-A (Item 177) S/S Laverne Avenue, 372' E/S Washington Avenue 289 Laverne Avenue 13th Election District - 1st Councilmanic Petitioner(s): Ronald R. Gaspari and Janet Lee Gaspari HEARING: TUESDAY, JANUARY 5, 1993 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a side yard setback of 3 feet in lieu of the required 10 feet and rear yard setback of 10 feet in lieu of the required 50 feet.

111 West Chesapeake Avenue

Towson, MD 21204

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

December 28, 1992

(410) 887-3353 111 West Chesapeake Avenue

Towson, MD 21204

Baltimore County Government Office of Zoning Administration

and Development Management

(410) 887-3353

289 Laverne Avenue Baltimore, MD 21227

Mr. and Mrs. Ronald R. Gaspari

RE: Case No. 93-167-A, Item No. 178 Petitioner: Ronald R. Gaspari, et ux Petition for Variance

Dear Mr. and Mrs. Gaspari:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this 13th day of November 1992.

Received By:

Zoning Plans Advisory Committee

Petitioner: Ronald R. Gaspari, et ux Petitioner's Attorney:

Development Review Committee Response Form
Authorized signature Dime G. Klungly
Date Project Name File Number Waiver Number Meeting Date Gregg and Joyce Kroeger DED DEPRM RP STP TE 11-23-92 Baltimore Bar-B Que Management Inc. DED DEPRM RP STP TE Comment Roscoe Phipps DED DEPRM RP STP TE NC American Legion Dept. of MD DED DEPRM RP STP TE Comment Cecelia Escalante DED DEPRM RP STP TE NC Michael J. and Peggy L. Navarre DED DEPRM RP STP TE Pulte Home Corporation DED DEPRM RP STP TE Clinton and Erika Routh DED DEPRM RP STP TE Goldenwood Associates DED DEPRM RP STP TE "我们们的自己的,我们们们们们们的,我们们的自己的,我们们的自己的,我们们们的,我们们的自己的,我们们们的一个一个一个一个一个一个一个一个一个一个一个一个一个一 Salvo Road Limited Partnership DED DEPRM RP STP TE Comment · · · · Ronald R. and Janet Lee Gaspari DED DEPRM RP STP TE Richard M. Diotte

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11-9-92



O. James Lighthizer Hal Kassoff Administrator

Ms. Julie Winiarski Zoning Administration and Development Management County Office Building

Dear Ms. Winiarski:

111 W. Chesapeake Avenue

Towson, Maryland 21204

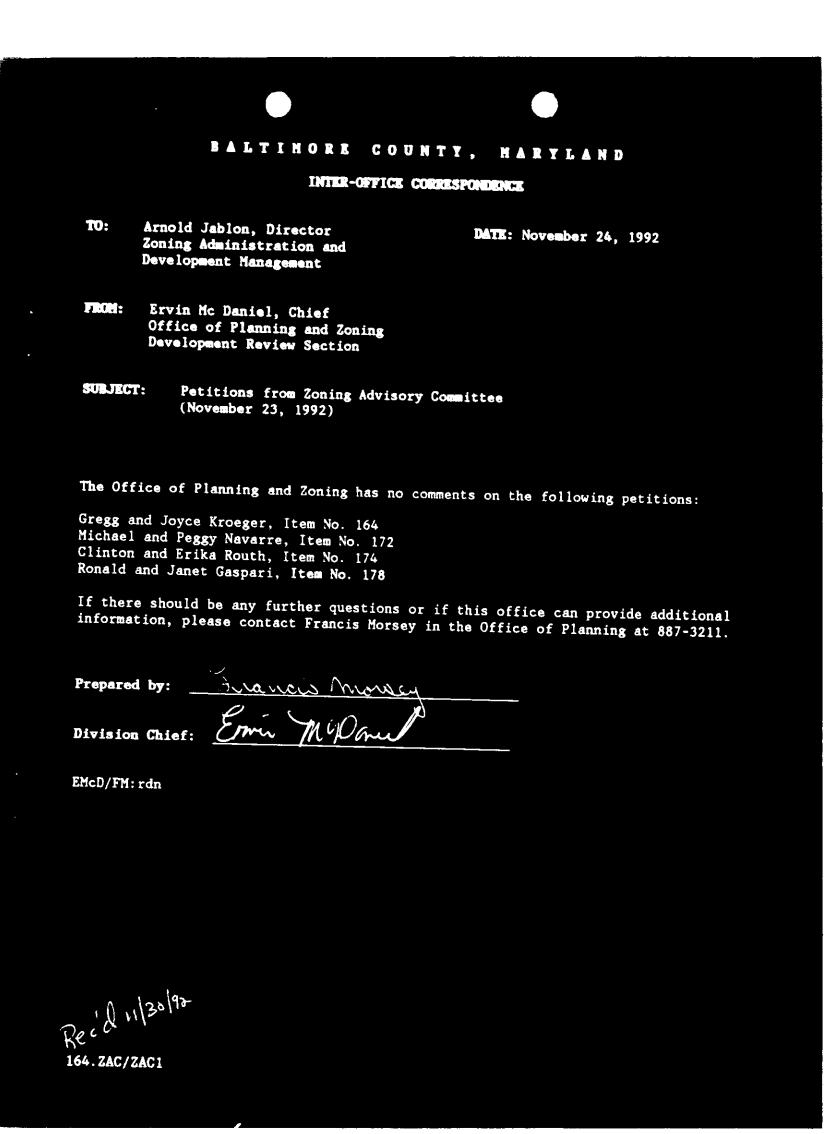
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact David Ramsey at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

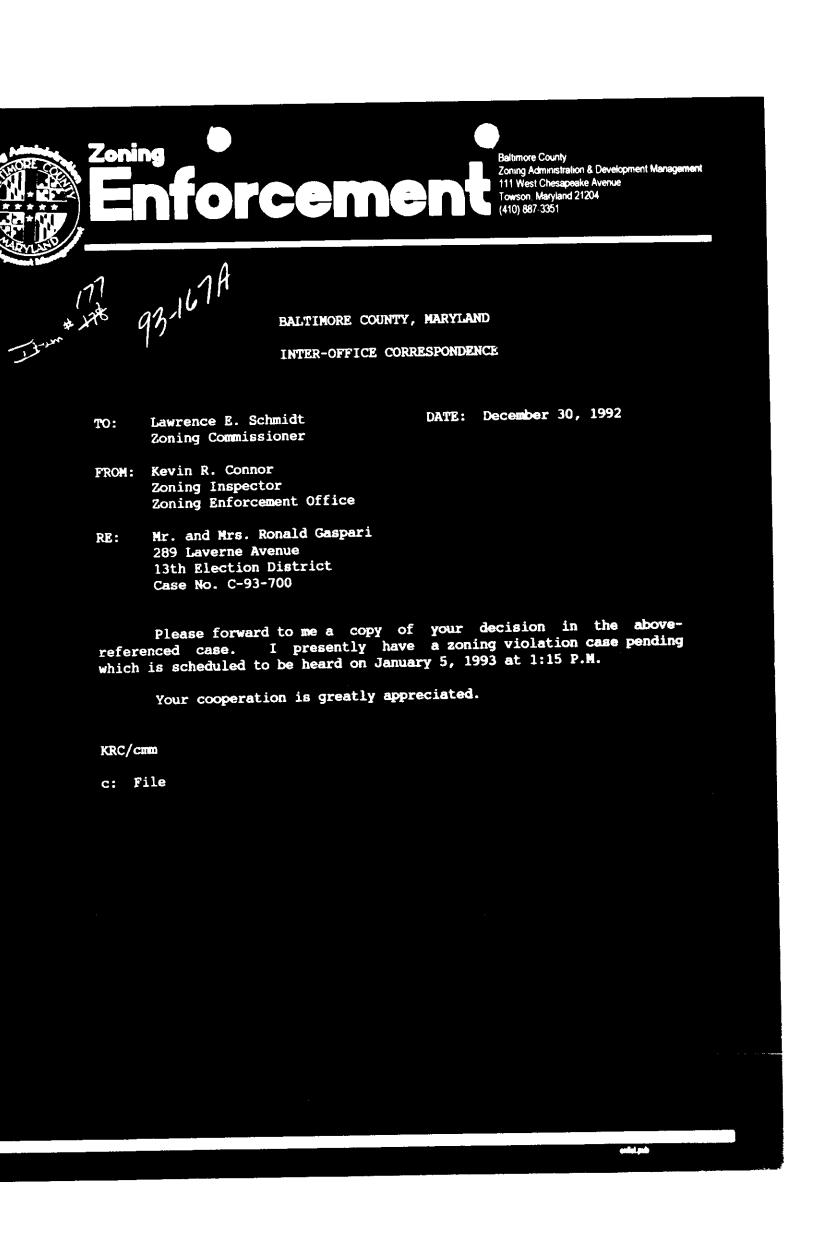
Very truly yours,

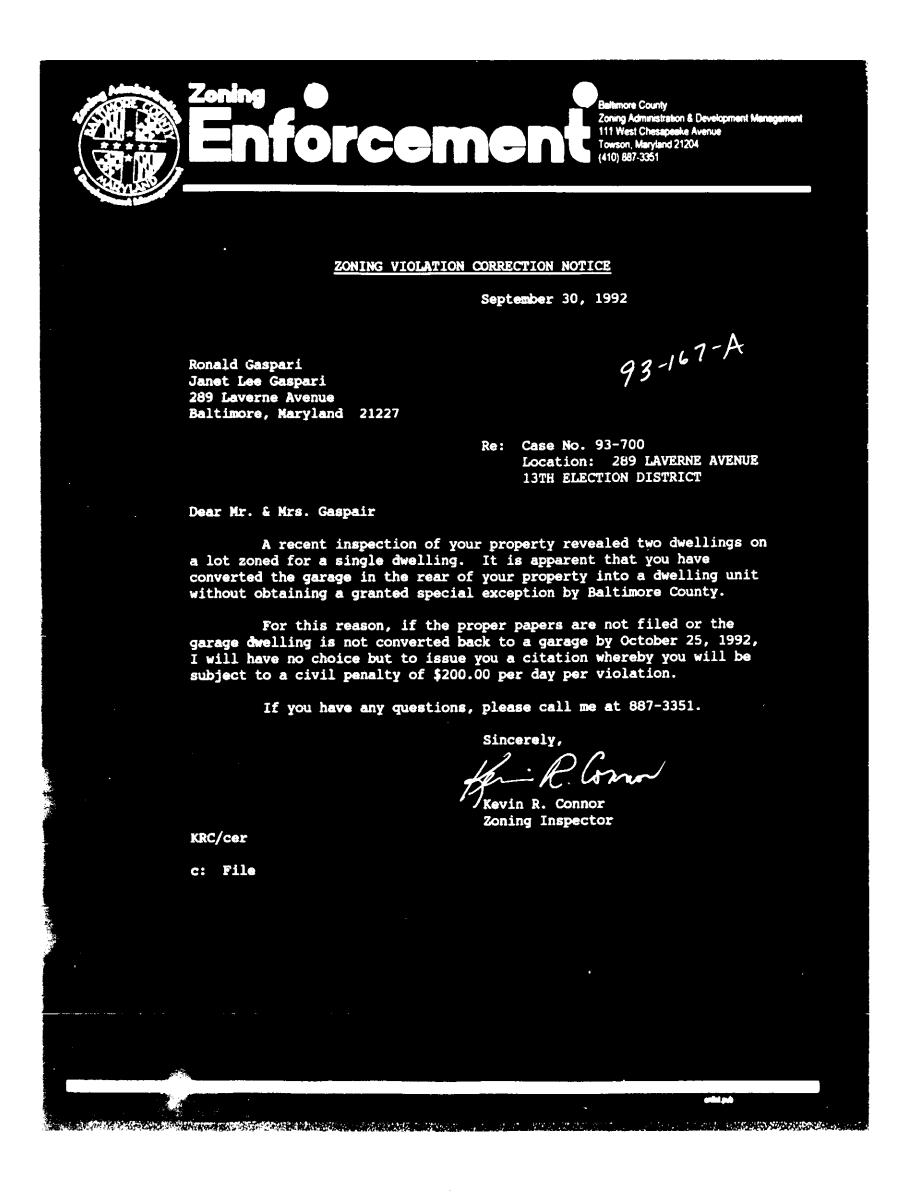
Teletypewriter for Impaired Hearing or Speech
383-7555 Battimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717



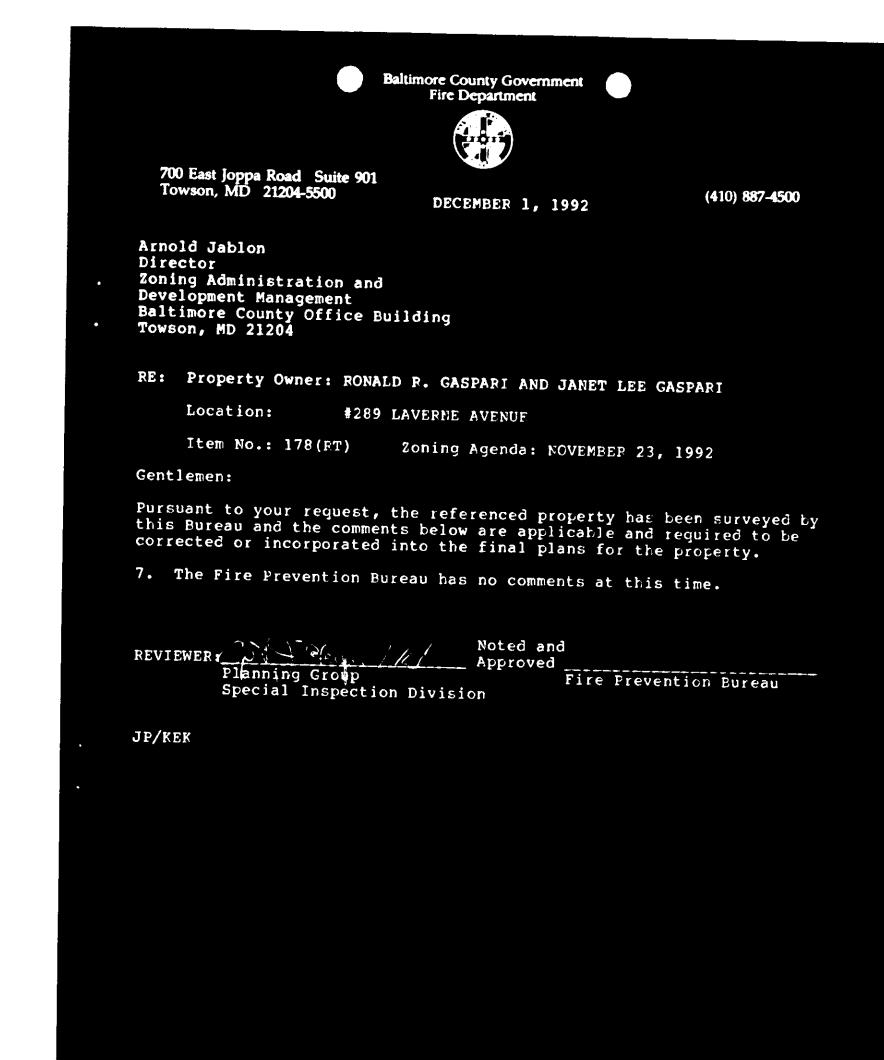


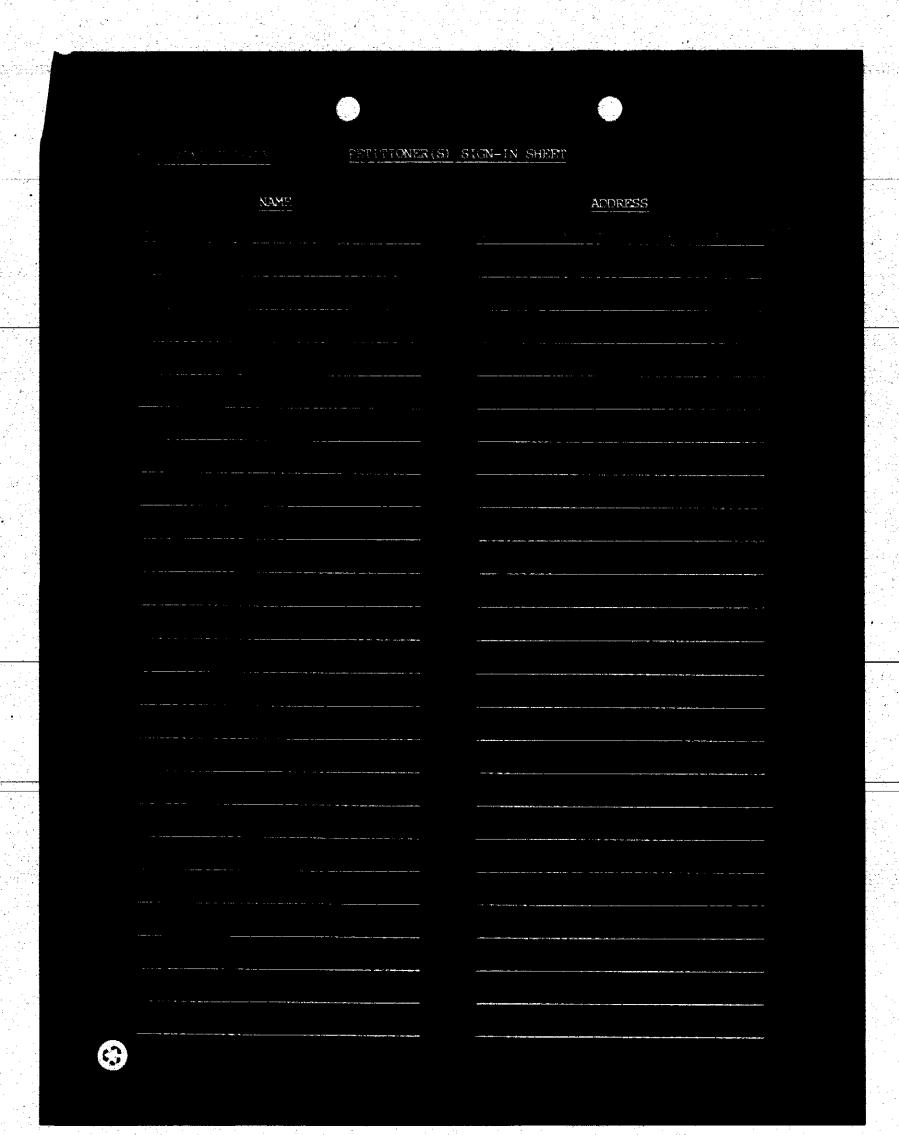
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90476					

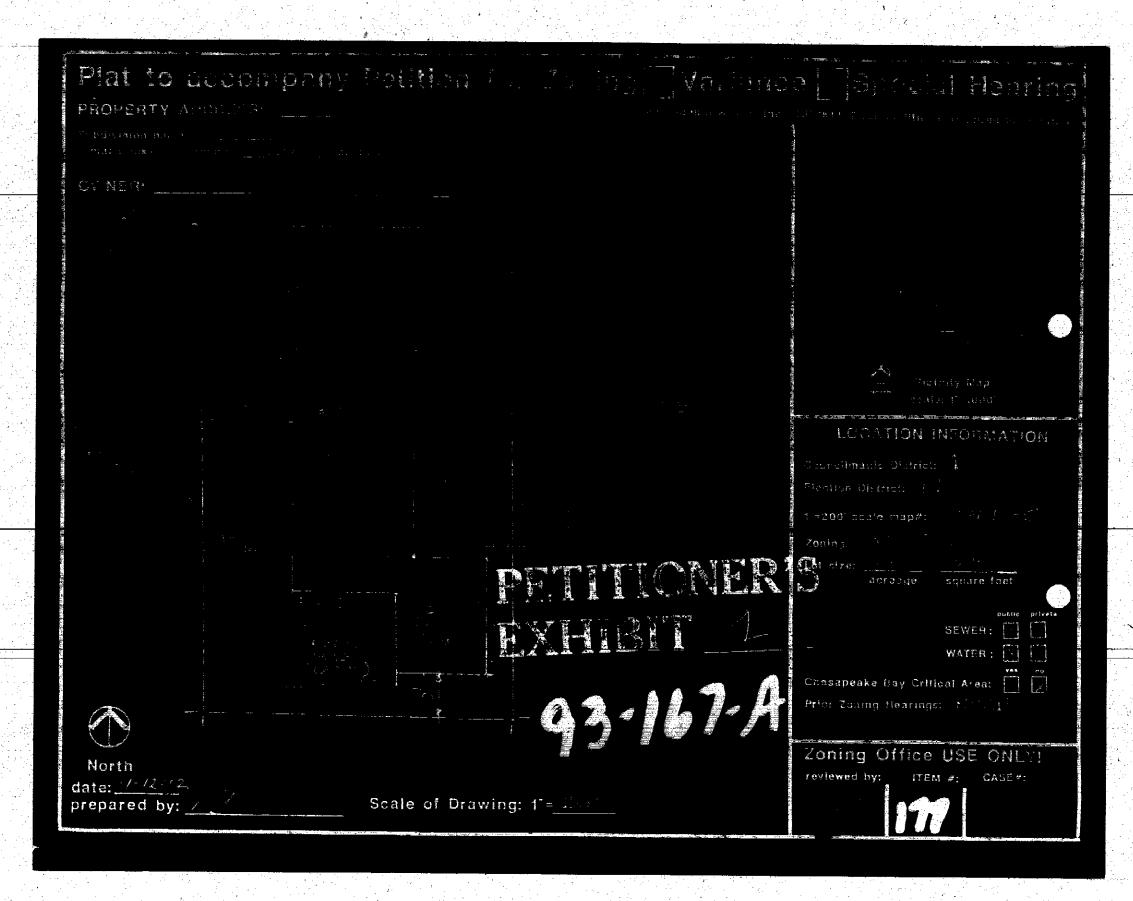


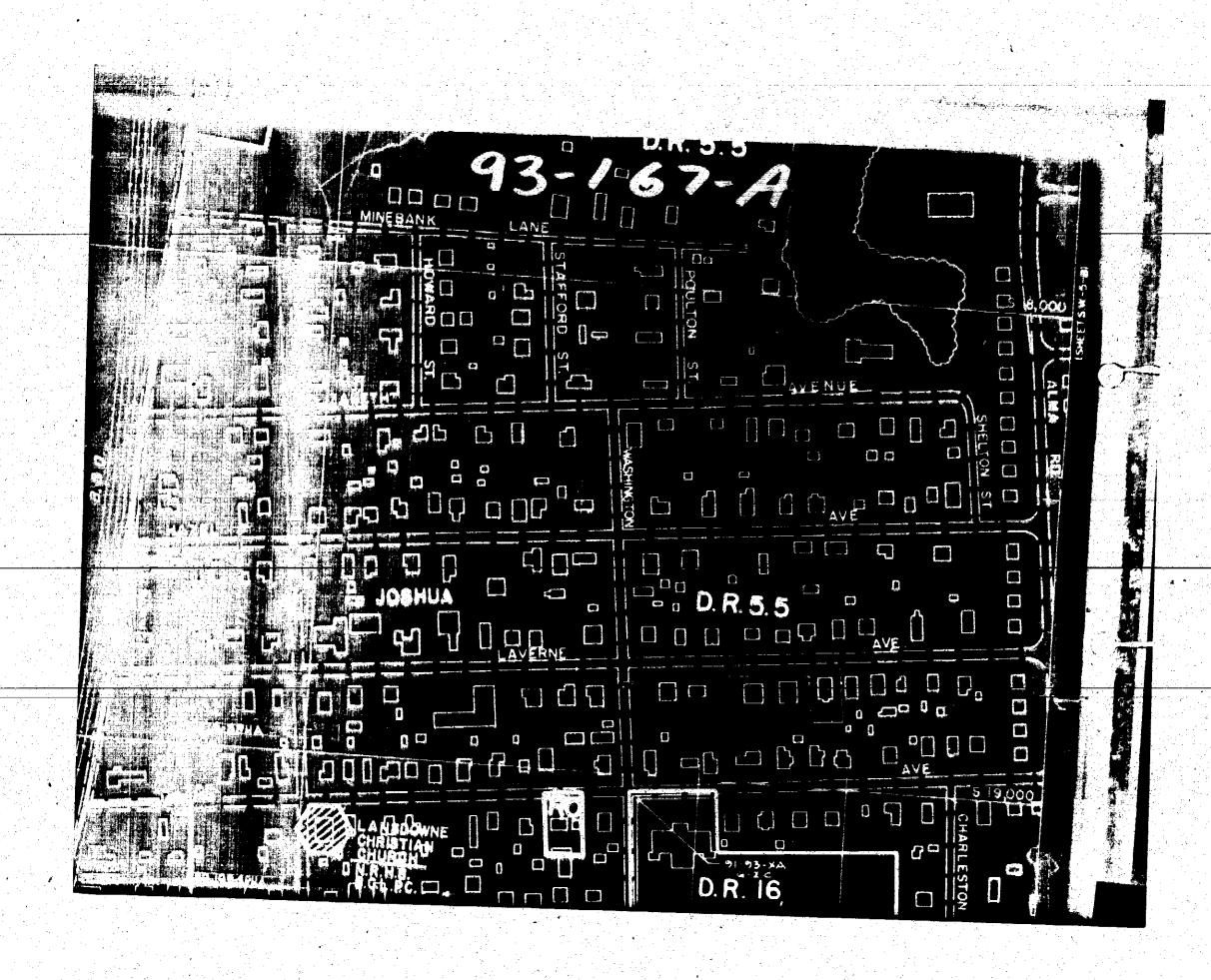


Department of Environmental Protection & Resource Management  Development Review Committee Resonse Form  Authorized signature  Date 11-30-92					
Project Name File Number Waiver Number	Zoning Issue	Meeting Date			
Roscoe Phipps	166				
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American Legion Dept. of MD					
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Cecelia Escalante	***********	************			
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Salvo Road Limited Partnership		*********			
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Ronald R. and Janet Lee Gaspari		***********			
DED DEPRM RP STP TE	178	NO COMMENTS			
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John P. and Brenda J. Morgan					
DEPRM RP	152	11-9-92 NO COMMENTS			
Richard M. Diotte	######################################				
DED DEPRM RP	155	IN PROCESS			
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